

1900-041 Chancery Causes. Calvin Pardue vs. Jacob Collinsworth &c  
Lee Co.

Dalton, Hobbs, Hughes, Jackson, Sleep

CA-Contract Dispute  
T-Property



CIRCUIT COURT OF LEE COUNTY, VIRGINIA

Calvin Pardee, Complainant,

v.

BILL

Jacob Collinsworth et al., Defendants.

\*\*\*\*\*

To the Honorable H. A. W. Skeen,

Judge of the Circuit Court of Lee County, Va.

Your orator, Calvin Pardee, states  
unto the court as follows, to-wit:

That, by patent, dated October 1st, 1855, the Commonwealth of Virginia granted unto one Albin Whisman a certain tract or parcel of land, containing two hundred (200) acres, more or less, lying in the Crab Orchard, in Lee County, Virginia; that by divers mesne conveyances title to the said land became vested in the heirs of Sebastian S. Slomp, which heirs were as follows, to-wit: Campbell Slomp, Henry C. Slomp, Nervesta, who intermarried with James M. Flanary, Alpha, who intermarried with George W. H. Habern, and Susan, who intermarried with H. D. Pridemore; that thereafter the said Henry C. Slomp and wife, and the said Alpha Habern, together with her husband, the said George W. H. Habern, by deed, dated October 5th, 1866, recorded in Lee County, in Deed Book 15, page 507, granted and conveyed all their undivided interest in and to the said tract of land unto Thomas Collinsworth, the interest so conveyed being an undivided two-fifths interest in the said land; that thereafter, by deed, dated February 1st, 1870, recorded in Lee County Deed Book 16, page 127, the said Thomas Collinsworth granted and conveyed unto one Joshua N. Redwine one undivided one-half of the said undivided interest, to-wit, one-fifth undivided interest in and to the said land, that there-



after the said remaining heirs, and the said Thomas Collinsworth and the said Joshua N. Redwine, made verbal partition of the said land, but no deeds were ever executed by any of them to any of the others for the parts of the said land so assigned to them, respectively; and your orator further states that he has by divers mesne conveyances become now the owner of the whole of the said two hundred (200) acre tract of land;

Your orator further states that, by patent dated August 1st, 1855, the Commonwealth of Virginia granted unto one Elkanah Flanary and the said Sebastian S. Slemp a certain other tract or parcel of land lying in the Crab Orchard in Lee County, Virginia, containing eleven hundred and fifty (1150) acres, more or less; that thereafter the said Sebastian S. Slemp departed this life, leaving the five children above named as his heirs at law; that thereafter the said Elkanah Flanary, by deed, dated June 3<sup>rd</sup>, 1861, recorded in Lee County in Deed Book 15, page 160, granted and conveyed his interest in so much of the said 1150 acre tract as is hereinafter shown to have become vested in your orator unto Henry C. Slemp, George W. H. Habern, James M. Flanary, Campbell Slemp, and Susan Slemp, who afterwards married, as aforesaid, the said H. D. Pridemore; that thereafter, by deed dated October 5th, 1866, recorded in Lee County Deed Book 15, page 607, the said Henry C. Slemp and wife and George W. H. Habern and Alpha Habern, his wife, granted and conveyed all their right, title and interest in so much of the said 1150 acre tract of land as is hereinafter shown to have become vested in your orator, unto one Thomas Collinsworth, the interest so conveyed being an undivided two-fifths interest in the said lands; that thereafter, by deed dated February 1st, 1870, recorded in Lee County Deed Book



16, page 127, the said Thomas Collinsworth granted and conveyed one-half of his undivided interest, to-wit, and undivided one-fifth interest in and to the said lands unto Joshua N. Redwine; that thereafter the remaining owners of the said parts of the said 1150 acre tract of land, and the said Thomas N. Collinsworth and Joshua N. Redwine made verbal partition of the said lands, but no deeds were ever executed by any of them to any of the others for the parts of the said land so assigned to them respectively; and that your orator has by divers mesne conveyances become the owner of the following several parts or parcels of the said land, to wit; of a certain part thereof conveyed to him by Campbell Slomp and wife, by deed dated April 27th, 1900; of another part thereof conveyed to him by N. C. Ely and wife, by deed dated June 4th, 1900; of another part thereof conveyed to him by John Edens and wife, by deed dated June 4th, 1900; and of another part thereof conveyed to him by E. M. Cooper by deed dated June 4th, 1900; all of which deeds are of record in the County Court Clerk's office of Lee County, Virginia, ~~in Deed Book-~~; and your orator files herewith a certified copy of the aforesaid patents, and of all of the said deeds, as part hereof;

Your orator further says that although no deeds were ever executed by the said parties making the said verbal partitions as aforesaid, yet each of the parties took possession of the tracts of land assigned to them, respectively, and possession thereof has been held by them respectively, and those claiming under them, for a great number of years, to-wit, for over fifteen years, and everyone has always recognized the said partitions as valid and binding;

Your orator further says that the said Thomas Collinsworth departed this life several years since, leaving



the following children as his heirs at law, to-wit: Jacob Collinsworth, who lives in \_\_\_\_\_ County, Kentucky, Catherine , a daughter, who married Thomas Dalton, and lives in Laurel County, Kentucky; Rebecca Collinsworth, a daughter, who is unmarried, and lives in \_\_\_\_\_ County, Kentucky, Wm. N. Collinsworth, who lives in Butler County, Kansas; Manda, a daughter, who married Hampton Hobbs, and lives in Lee County, Virginia; Martha, a daughter, who married Tobias Hughes, and lives in Lee County, Virginia; and Hettie, a daughter, who married Henry Jackson, and lives in Lee county, Virginia;

Wherefore, being without remedy, save in a Court of Equity, your orator prays that the said Jacob Collinsworth, Thos. Dalton and Catherine, his wife, Rebecca Collinsworth, Wm. N. Collinsowrth, Hampton Hobbs, and Manda, his wife, Tobias Hughes and Martha, his wife, Henry Jackson and Hettie his wife, be made parties defendant to this bill, and required to answer the same, but answer under oath is hereby waived; that an order of publication be made against the said non-resident defendants; and that, upon a final hearing, a Commissioner be appointed <sup>with directions</sup> to convey unto your orator all the right, title and interest of each and all of the said defendants in and to the said 200 acre tract of land, and so much of the said 1150 acre tract of land as has been conveyed to your orator as hereinabove stated; and for costs, and such other further and general relief as the nature of the case may require, and to equity may seem meet.

Bullitt & Kelly

B. H. Sewell

p.q.



Calvin Pardue  
vs } Bill in Chancery  
Jacob Collinsworth et al

1st Sept rules bill filed &  
Spa executed & D. N.

the following children as his heirs at law, to-wit: Jacob  
Collinsworth, who lives in \_\_\_\_\_ County, Kentucky;  
Catherine, a daughter, who married Thomas Delfon, and lives  
in \_\_\_\_\_ County, Kentucky; George Collinsworth, a son,  
who lives in \_\_\_\_\_ County, Kentucky;  
the following children as his heirs at law, to-wit: Jacob



CIRCUIT COURT OF LEE COUNTY, VIRGINIA.

Calvin Pardee, Complainant,

v.

AFFIDAVIT

Jacob Collinsworth et al., Defendants.

Affiant Campbell Slomp states on oath that Jacob Collinsworth, Thos. Dalton and Catherine Dalton, his wife, Rebecca Collinsworth, and Wm. N. Collinsworth, who are defendants in a certain suit in chancery about to be instituted against them and others, by Calvin Pardee in the Circuit Court of Lee County, are non-residents of the State of Virginia.

C. Slomp

State of Virginia )  
                          ) to-wit:  
County of Wise )

I, James A. Hinkle, a notary public in and for the State and County aforesaid, do hereby certify that Campbell Slomp, whose name is signed to the foregoing affidavit, has this day personally appeared before me in my county aforesaid, and made oath <sup>that</sup> ~~to~~ the statements contained in said affidavit are true.

*Given under my hand this 20th day of July 1900.*

James A. Hinkle, Notary

Fee 25¢



Calvin Pardee  
affi for Order of Pub  
Jacob Collinworth et als  
Filed August 6th 1900  
A. B. Munsey, Clerk

A. B. Mursey, Clerk



Calvin Arden

In Chancery

Jacob Collingsworth & Co.

1900. 1st Sept rules Bill filed

Spa executed on home  
Defts & O.P. for non residents  
& D.N. & Contd for O.P. to  
Complete

" 2nd Sept rules D.N. & Contd  
O.P. Complete & Cause set  
for hearing

Plaintiffs Costs

Clerk 5.18

Tax 1.50

atty 15.00

Printer 11.40

Sheriff 3.00

\$36.08



MEMORANDUM FOR CLERK

Circuit Court of Lee County, Virginia.

1st September Rules, 1900.

Calvin Pardee, Complainant,

v.

Jacob Collinsworth et al., Defendants, i. e., Jacob Collinsworth, Catherine Dalton, Thomas Dalton, Rebecca Collinsworth, Wm. N. Collinsowrth, Manda Hobbs, Hampton Hobbs, Martha Hughes, Tobias Hughes, Hettie Jackson, and Henry Jackson.

Issue summons against the home defendants, viz, Hampton Hobbs and his wife, Manda Hobbs, Tobias Hughes and his wife, Martha Hughes, and Henry Jackson and his wife, Hettie Jackson.

Make order of publication against the non-resident defendants, to-wit, Jacob Collinsworth, Thos. Dalton and Catherine Dalton, his wife, Rebecca Collinsworth, and Wm. N. Collinsowrth, and publish the same in the Southwest Virginian, and post the same at the front door of the Court-house.

State the object of the suit in the order of publication as follows, to-wit: "The object of this suit is to require each and all of the defendants, who are heirs at law of Thomas Collinsworth, deceased, to convey unto the complainant, Calvin Pardee all their right, title and interest in and to a certain tract of land lying in the Crab Orchard, in Lee County, Virginia, containing 200 acres, more or less, granted by the Commonwealth of Virginia to Albin Whisman by patent, dated October 1st, 1855, and also so much of another tract of land lying in the Crab Orchard, in Lee County, Virginia, containing 1150 acres, more or less, granted by the Commonwealth of Virginia unto Elkanah Flanary and Sebastian S. Slomp by patent, dated August 1st, 1855, as was conveyed to the said Calvin Pardee by the following parties, to-wit,



by Campbell Slomp and wife, by deed dated April 27th, 1900; by N. C. Ely and wife, by deed dated June 4th, 1900; by John Edens and wife, by deed dated June 4th, 1900; and by E. M. Cooper, by deed dated June 4th, 1900; all of which deeds are of record in the County Court Clerk's Office of Lee County, Virginia, and are here referred to for greater certainty.



CIRCUIT COURT OF LEE COUNTY, VIRGINIA.

Calvin Pardee, Complainant,

v.

DECREE

Jacob Collinsworth et al., Defendants.

\*\*\*\*\*

This cause came on this 8th day of November, 1900, to be heard upon the bill and exhibits filed therewith, and was argued by counsel, and it appearing to the Court that Hampton Hobbs and Manda, his wife, Tobias Hughes and Martha, his wife, and Henry Jackson, and Hettie, his wife, have been summoned herein as required by law, and that an order of publication has been duly made, posted and published as required by law in the case of non-resident defendants, against Jacob Collinsworth, Thos. Dalton and Catherine, his wife, Rebecca Collinsworth, and Wm. N. Collinsworth, and that none of the said defendants has appeared, pleaded or answered herein, the bill is taken for confessed as to each and all of the said defendants; and it is further adjudged, ordered and decreed that B. H. Sewell, who is hereby appointed a Special Commissioner for the purpose, shall forthwith execute and deliver unto the said Calvin Pardee a deed, conveying unto him all of the right, title and interest of each and all of the said defendants in and to the 200 acre tract of land in the bill mentioned, and so much of the said 1150 acre tract of land therein mentioned as is therein stated to have been conveyed unto the said Calvin Pardee;

And thereupon came the said B. H. Sewell, Special Commissioner, who filed his report, showing that he had executed a deed to the said Calvin Pardee as hereinabove directed, and filed with the said report the said deed for the



inspection of the Court; and it is adjudged, ordered and decreed by the Court that the said report and the said deed be and the same are hereby approved and confirmed, and the said Calvin Pardee is hereby given leave to withdraw the said deed from the papers in this cause; and nothing further appearing to be done herein, this cause is stricken from the docket, *at the plaintiff's costs.*



CIRCUIT COURT OF LEE COUNTY, VIRGINIA.

Calvin Pardee, Complainant,

v.

Jacob Collinsworth et al., Defendants.

REPORT OF B. H. SEWELL, SPECIAL COMMISSIONER.

The undersigned, B. H. Sewell, appointed a Special Commissioner in the above cause, by decree entered this day therein, would respectfully report unto the Court that he has executed a deed to Calvin Pardee, as in said decree directed, and herewith files the said deed for the inspection of the Court.

Respectfully submitted

Special Commissioner.



Calvin Packer

ms. } becu

Jacob Collinsworth  
et al

Enter This

Nov 8<sup>th</sup> 1900.

H. A. W. Shum

Entered Chy

O. B. No. 6. P. 438.



Circuit Court of Lee County Virginia.

Calvin Pardee Complainant

vs

<sup>2</sup>/<sub>3</sub> Report of B. H. Sewell, Special Comm'r.

Jacob Collinsworth et al, Defendants

The undersigned, B. H. Sewell, who was this day appointed a Special Commissioner in this cause, would respectfully report that he has executed a deed unto the Complainant, Calvin Pardee, as directed in the said decree, and now files the said deed for the inspection of the Court.

Respectfully  
Submitted,

B. H. Sewell,  
Special Comm'r.



Calvin Pardee  
vs <sup>3</sup> Commissioners  
Report of Deed.  
Jacob Collinsworth et al,

Filed in Open  
Court, this Nov.  
8<sup>th</sup> 1900.  
A. B. Munsey  
Clerk.



In the Clerk's Office of the Circuit Court of the County of  
Lee on the 6th day of August 1900.

Calvin Pardee

Plaintiff

against

Jacob Collinsworth, Catherine Dalton, Thomas Dalton, Rebecca  
Collinsworth, Wm. M. Collinsworth, Manda Hobbs, Hampton  
Hobbs, Martha Hughes, Tobias Hughes, Nettie Jackson  
and Henry Jackson.

Defendant S

In Chancery

" The object of this suit is to require each and all of the defendants  
at law who are heirs of Thomas Collinsworth, deceased, to convey unto  
the plaintiff, Calvin Pardee, all their right, title and interest  
in and to a certain tract ~~or parcel~~ of land, lying in the Crab  
Orchard, in Lee County, Virginia and containing 200 acres,  
more or less, granted by the Commonwealth of Virginia to  
Albin Whisman by Patent dated October 1<sup>st</sup>, 1855; and also  
so much of another tract of land, lying in the Crab Orchard  
in Lee County, Virginia, containing 1150 acres, more or  
less, granted by the Commonwealth of Virginia, unto  
Elkanah Flanary and Sebastian S. Slump, by Patent  
dated, August 1<sup>st</sup>, 1855; as ~~was~~ conveyed to the said  
Calvin Pardee by the following parties to-wit; by  
Campbell Slump and wife, by deed dated April 27<sup>th</sup>, 1900;  
by N. B. Ely and wife, by deed dated June 4<sup>th</sup>, 1900; by  
John Edens and wife, by deed dated June 4<sup>th</sup>, 1900, and  
by E. M. Cooper, by deed dated June 4<sup>th</sup>, 1900, all of  
which deeds are of record in the County Court Clerk's  
office of Lee County, Virginia, and are here referred  
to for greater certainty "

And an affidavit having been made and filed that the defendant S. Jacob Collinsworth, Catherine  
Dalton, Thomas Dalton, Wm. M. Collinsworth, and Rebecca Collinsworth  
are not residents of the State of Virginia, it is ordered that they do appear here within fifteen days  
after due publication hereof, and do what may be necessary to protect their interest in this suit. And  
it is further ordered that a copy hereof be published once a week for four weeks in the South-West  
Virginian, and that a copy be posted at the front door of the court-house of this County  
on the first day of the next term of the County Court.

A copy—Teste:

Bullitt & Kelly  
B. H. Sewell

P. q.

A. B. Munsey

Clerk.



*Pardee Calvin*

vs. {

ORDER OF  
PUBLICATION.

*Jacob Collinsworth et als*

Virginia Lee County to-wit:  
I A.B. Munsey Clerk of the  
Circuit Court of Lee County do  
hereby certify that I posted  
a copy of the within at the  
front door of the Courthouse  
of said County on the 1st  
day of the August term 1900  
of the County Court of  
said County. Given under  
my hand this the 20th  
day of August 1900.

*A.B. Munsey Clk*



The Commonwealth of Virginia,

To the Sheriff of the County of Lee, Greeting:

WE COMMAND YOU, That you summon *Jacob Collinsworth, Catherine  
Dalton, Thomas Dalton, Rebecca Collinsworth Mrs. M.  
Collinsworth, Manda Hobbs, Hampton Hobbs,  
Martha Hughes, Tobias Hughes, Fattie Jackson and Henry Jackson*  
to appear at the Clerk's office of the Circuit Court of the County of Lee, at the rules to be held  
for the said court, on the *1st* Monday in *September 1900*, to answer a  
bill in chancery exhibited against *them* in our said court by *Calvin  
Pardee*

And have then there this writ. Witness, A. B. MUNSEY, Clerk of our said Court, at the  
court-house, the *6<sup>th</sup>* day of *August 1900* ~~189~~, and in the *28<sup>th</sup>* year of the  
Commonwealth.

*A B Munsey Clerk*



Serve with copies  
the following persons

Hampton Hobbs -  
Manda Hobbs -  
Tobias Hughes  
Martha Hughes  
Henry Jackson -  
Hettie Jackson -

and giving her information of this purport:-

Aug 15 1900 Ely

Form No. 300 1/2

Calvin Pardee

vs.

SUBPOENA

IN CHANCERY

Wm M Collinsworth et al

Bullitt & Kelly  
vs B H Sewell p. q.

To 1st September Rules.

Circuit Court.

executed the 15 day of August 1900 by delivering an attested copy  
to each of the following named parties: Tobias Hughes, Martha  
Hughes, Manda Hobbs and Hettie Jackson; and further executed on the  
day aforesaid as Hampton Hobbs, by delivering to his wife, Manda Hobbs, who  
is a member of the family of the said Hampton Hobbs, over the age of 16 years, and  
giving to her information of the purport of said writ, she being found at the  
usual place of abode of the said Hampton Hobbs, and he the said Hampton Hobbs  
not then being found at his usual place of abode. And further executed  
the day first aforesaid, as Henry Jackson, by delivering an attested copy to Hettie Jackson  
the wife of Henry Jackson, who is a member of the said Henry Jackson, over the age of 16 years,  
she being found at the usual place of abode of the said Henry Jackson, and he the said  
Henry Jackson not being found at his usual place of abode.

D. P. Ely J. S. to W. J. Mileham S. J. &c



**CERTIFICATE OF  
ORDER OF PUBLICATION.**

I, A. M. Goins, Editor of the **SOUTH-  
WEST VIRGINIAN**, a weekly newspa-  
per published at Jonesville, Lee County,  
Va., do hereby certify that the annex-  
ed notice was published in said paper  
once a week for four successive weeks,  
commencing on the 16<sup>th</sup> day of  
August, 1900  
A. M. Goins, EDITOR.

FEE, \$11.40

**Order Of Publication.**

**VIRGINIA**—In the Clerk's Office of the  
Circuit Court of the County of Lee on  
the 6th day of August, 1900.

**CALVIN PARDEE**, Plaintiff.

Against

Jacob Collinsworth, Catherine Dal-  
ton, Thomas Dalton, Rebecca Col-  
insworth, Wm. M. Collinsworth,  
Manda Hobbs, Hampton Hobbs,  
Martha Hughes, Tobias Hughes,  
Hettie Jackson and Henry Jack-  
son, Defendants.

**IN CHANCERY**

"The object of this suit is to require each  
and all of the defendants who are heirs at  
law of Thomas Collinsworth deceased, to  
convey unto the plaintiff, Calvin Pardee,  
all their right, title and interest in and to  
a certain tract of land, lying in the Crab  
Orchard, in Lee County, Virginia, and  
containing 200 acres, more or less, granted  
by the Commonwealth of Virginia to Albin  
Whisman by Patent dated October 1st,  
1855, and also so much of another tract of  
land lying in the Crab Orchard, in Lee  
County, Virginia, containing 1150 acres,  
more or less, granted by the Common-  
wealth of Virginia, unto Elkanah Flanary  
and Sebastian S. Slem, by patent dated  
August 1st, 1855, as was conveyed to to  
the said Calvin Pardee by the following  
parties to-wit: by Campbell Slem and  
wife, by deed dated April 27th, 1900; by  
Jno. Edens and wife by deed dated June  
4, 1900; by

N. C. Ely and wife, by deed dated June 4,  
1900, and by E. M. Cooper, by deed dated  
June 4th, 1900, all of which deeds are of  
record in the County Court Clerk's office  
of Lee County, Virginia, and are here re-  
ferred to for greater certainty.

An affidavit having been made and  
filed that the defendants, Jacob Collins-  
worth, Catherine Dalton, Thomas Dalton,  
Wm. M. Collinsworth and Rebecca Collins  
worth, are not residents of the State of  
Virginia, it is ordered that they do appear  
here within fifteen days after due publica-  
tion hereof, and do what may be necessary  
to protect their interest in this suit. And  
it is further ordered that a copy hereof be  
published once a week for four weeks in  
the Southwest Virginian, and that a copy  
be posted at the front door of the court-  
house of this County on the first day of the  
next term of the County Court.

A copy—Teste:

A. B. MUNSEY, Clerk.

Bullitt & Kelly and B. H. Sewell, p. q.

8-9—00—4t.



ORDER OF PUBLICATION.

Calvin Paradise

VS.

IN CHANCERY.

Jacob Collinsworth et al.

---

FEE \$11.40